

10/936817

PATENT

Docket No.: 50179-094

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Rodney Malcolm DRUITT, et al.

Serial No.: 09/936,817

Group Art Unit:

Filed: September 18, 2001

Examiner: not yet assigned

For: CLOSURE WITH SEAL MEMBER

**RESPONSE TO NOTIFICATION  
OF MISSING REQUIREMENTS**

Box PCT  
Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements dated October 29, 2001,  
submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.497)
2. Information Disclosure Statement and PTO-1449 Form
3. Petition for Extension of Time

Please charge Deposit Account No. 500417 in the amount of \$130.00. To the extent  
necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any  
shortage in fees due in connection with the filing of this paper, including extension of time fees,  
to Deposit Account 500417 and please credit any excess fees to such deposit account.

10/936817

10 Rec'd PCT/PTO 2.0 FEB 2002 #4

FORM PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				50179-094	
				U.S. APPLIC. NO. (if known, see 37 CFR 1.5) 09/935,817	
INTERNATIONAL APPLICATION NO. PCT/AU00/00218		INTERNATIONAL FILING DATE March 20, 2000		PRIORITY DATE CLAIMED March 18, 1999	
TITLE OF INVENTION CLOSURE WITH SEAL MEMBER					
APPLICANTS FOR DO/EO/US Rodney Malcolm DRUITT, David FOSTER and Reginald DENNY					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1.	<input type="checkbox"/>	This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.			
2.	<input checked="" type="checkbox"/>	This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.			
3.	<input type="checkbox"/>	This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).			
4.	<input type="checkbox"/>	A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.			
5.	<input type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)			
6.	<input type="checkbox"/>	A translation of the International Application into English (35 U.S.C. 371(c)(2)).			
7.	<input type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.			
8.	<input type="checkbox"/>	A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).			
9.	<input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). ( <b>Corrected</b> )			
10.	<input type="checkbox"/>	A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
Items 11. to 16. below concern other document(s) or information included:					
11.	<input checked="" type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
12.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13.	<input type="checkbox"/>	A <b>FIRST</b> preliminary amendment.			
	<input type="checkbox"/>	A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.			
14.	<input type="checkbox"/>	A substitute specification.			
15.	<input type="checkbox"/>	A change of power of attorney and/or address letter.			
16.	<input checked="" type="checkbox"/>	Other items or information. 1. Petition for Extension of Time.			



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PATENT TRADEMARK OFFICE

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U.S. APPLIC. NO. (if known, see 37 CFR 1.50) 09/936,817		INTERNATIONAL APPLICATION NO. PCT/AU00/00218		ATTORNEY'S DOCKET NUMBER 50179-094	
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				CALCULATIONS	PTO USE ONLY
17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO <span style="float:right">\$890.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) <span style="float:right">\$710.00</span> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) <span style="float:right">\$740.00</span>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float:right">\$1,040.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) <span style="float:right">\$100.00</span>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>					
\$0.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =	0	x \$18.00	\$0.00	
Independent Claims	-3 =		x \$84.00	\$0.00	
Multiple dependent claim(s) (if applicable)			+ \$280.00	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$0.00	
<b>SUBTOTAL =</b>				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$0.00	
				Amount to be:	\$
				refunded	
				charged	\$130.00

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 500417 in the amount of \$ 130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500417. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert L. Price  
McDERMOTT, WILL & EMERY  
600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000  
Facsimile (202) 756-8087

SIGNATURE *Robert L. Price*

Robert L. Price

NAME

22,685

REGISTRATION NUMBER

February 20, 2002

DATE

BASED ON FORM PTO-1390 (Rev. 5-93)

BEST AVAILABLE COPY

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in cursive script, reading "Robert L. Price".

Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:prp  
**Date: February 20, 2002**  
Facsimile: (202) 756-8087

☒ Commissioner For Patents, Box PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,817	Rodney Malcolm Druitt	50179-094

INTERNATIONAL APPLICATION NO.
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PCT/AU00/00218
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I.A. FILING DATE	PRIORITY DATE
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03/20/2000	03/18/1999
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20277

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

CONFIRMATION NO. 1467

371 FORMALITIES LETTER



\*OC00000006975236\*

Date Mailed: 10/29/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the citizenship of each inventor.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT

Telephone: (703) 305-3734

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,817	PCT/AU00/00218	50179-094